

EXTENSIONS OF REMARKS

THE AIRLINE DISASTER RELIEF ACT

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SHERWOOD. Mr. Speaker, I rise to introduce the Airline Disaster Relief Act, a measure which clarifies the legal rights of airline disaster victim's families. This bill is about fairness. It's about providing justice in our legal system to families who suffer the loss of a loved one in an aviation accident over the ocean. This same Act was passed overwhelmingly by the House of Representatives during the 105th Congress.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Among the victims were 21 people from Montoursville, Pennsylvania, a small community in my district. The people of Montoursville were brutally impacted by the sudden loss of 16 high school students and five chaperones who were flying to France to enrich their educational experience. For the families of the victims aboard Flight 800, this tragedy has been made worse by the Supreme Court's application of an antiquated maritime law, known as the Death on the High Seas Act of 1920.

The Supreme Court decided in *Zicherman v. Korean Airlines*, that the Death on the High Seas Act applies to lawsuits that arise when an aircraft has crashed in the ocean more than a marine league from land. This interpretation would prevent the families of the TWA 800 victims from receiving the just compensation they are entitled to under state law. This decision treats families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed into land. If the plane crashes into the ocean, the Death on the High Seas Act applies and the family is entitled only to seek pecuniary damages before a U.S. District Court Judge with no jury. However, if a plane crashes into the land or within 3 miles of land, the applicable State tort law would apply. State tort laws generally allow compensation for loss of companionship, loss to society, pain and suffering in addition to lost income.

Today, however, when state tort law has progressed to a point where value is placed on human life, the application of this skewed statute is viewed as inequitable, unfair and inhumane. This is particularly true in the death of children since children are generally not economic providers for their families. Thus, family members would receive minimal compensation for the loss of a loved one who was not a wage earner or "bread winner." Because of this arbitrary line, legislatively drawn in the ocean, the surviving family members in this case are being dealt a cruel blow. No parent should be told by our nation's legal system that longitude and latitude will determine the

value of their child or determine their rights in a court of law. Many family members of TWA 800 victims feel that the application of the Death on the High Seas Act makes the life of their child or loved one appear worthless in the eyes of the law.

For this reason, I introduced this measure which will negate the application of the Death on the High Seas Act to air disaster cases. My bill would amend the Federal Aviation Act so that airline disasters at sea are treated the same as incidents on land. The gross injustice of the Death on the High Seas Act must be changed. Where a plane crashed should not dictate our rights in a court of law.

Both the Supreme Court and The White House Commission on Aviation Safety and Security recommend that Congress correct these inequities. Additionally, the Congressional Budget Office estimates that there will be no costs associated with the implementation of this Act. It is time to bring justice to the application of federal laws which regulate airline disaster claims. Passage of the Airline Disaster Relief Act will be an important step in achieving this objective. I urge my colleagues to overwhelmingly approve this bill.

IN MEMORY OF FREDERICK A. JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Frederick A. Jones, a gentleman who was an outstanding member of the Olmsted Falls community.

Over the years Mr. Jones worked in a variety of ways to make Olmsted Falls a better place. He umpired Summer League baseball games, led a Boy Scout group, and served as the presiding chairman of the city's Civil Service Commission.

After moving to Olmsted Falls in 1941 Mr. Jones worked as a volunteer fireman for 30 years, spending much of that time as a captain. During his tenure he helped connect the Fire and Police departments via a ham radio system.

Mr. Jones also served in the U.S. Army Infantry during World War II, participating in the Rhineland offensive. After his service in World War II Mr. Jones returned to Olmsted Falls and worked for Bell Telephone until 1981.

Mr. Jones was also a member of the committee that planned and oversaw the construction of a football field and track for Olmsted Falls High School. He and his wife, Betty, served as co-chairs of the Athletic Boosters Club for nine years. Mr. and Mrs. Jones also acted as the co-chairs of the Olmsted Falls local antique show at the Olmsted Community Church.

He will be greatly missed.

WHY I INTRODUCED THE BALANCED BUDGET AMENDMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, when I ran for the United States Congress, I campaigned on virtually one single issue—balancing the budget.

Whenever I speak on the matter, I think of my friend Delmar Burhenn. His family works hard to make ends meet on their Baca Country farm located in the extreme southeast corner of Colorado.

I savor every chance I get to speak with Delmar. He has opinions about everything—retirement, the reliability of farm equipment, saving for a vacation, and so on.

During my first term in Congress, we balanced the budget, reduced taxes and improved education. During the 106th Congress, we want to build on these achievements by preserving Social Security, giving families like Delmar's more tax relief, and permanently balancing the budget.

Of these, the most pressing issue is balancing the federal budget permanently. That's why I introduced H.J. Res. 1, the Balanced Budget Amendment Resolution of 1999, on the first day of the 106th Congress. Even while the Republican-led Congress exercises fiscal discipline in Washington, I believe the only way to protect families like Delmar's is by making it a requirement federal books remain balanced forever.

Some are unaware Congress balanced the federal budget last year. We did. In fact, we delivered the first balanced budget since 1969, a big step in the right direction. But that was simply a temporary victory that can be lost with the political winds. The Balanced Budget Amendment I propose guarantees the federal budget will be balanced each year to come.

Under my proposal, the only time the budget could be broken is by an affirmative vote of a three-fifths super majority in both the House and the Senate. This super majority would be too high a hurdle for frivolous, spur-of-the-moment impulse spending. Congress would only be able to spend more than income warrants during times of real need like national emergencies and war.

The Balanced Budget Amendment would also help us accomplish one of my top priorities for the 106th Congress, preserving and protecting Social Security for future generations. Right now the federal government "borrows" from the Social Security surplus in order to pay for other numerous federal programs such as education, Medicare, and transportation. Even by conservative estimates, without an end to this "borrowing," we can count

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